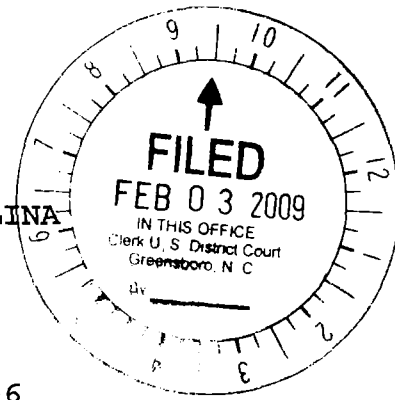


IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



UNITED STATES OF AMERICA :  
 :  
 v. : 1:08CR366-6  
 :  
 GENARO MENDOZA RESENDIZ :

FACTUAL BASIS IN SUPPORT OF GUILTY PLEA

NOW COMES the United States of America, by and through Anna Mills Wagoner, United States Attorney for the Middle District of North Carolina, pursuant to Federal Rule of Criminal Procedure 11(b)(3), and states the following:

Beginning in or about 2007, the Drug Enforcement Administration (DEA), Federal Bureau of Investigation (FBI), and the Internal Revenue Service - Criminal Investigation Division (IRS-CID), obtained information relating to the suspected drug trafficking activities of Guadalupe Ortiz Rios, Pedro Pena Zuniga, Esteban Pena Zuniga and others.

On or about June 4, 2008, the Drug Enforcement Administration (DEA), as part of an ongoing drug trafficking investigation, applied for and received court authorization to intercept wire communications conducted over cellular telephones that were being utilized by Guadalupe Ortiz Rios, Pedro Pena Zuniga, Esteban Pena Zuniga and others. Court-

authorized wire interceptions were continued until October 23, 2008.

Specifically, the agents were authorized to intercept wire communications which involved discussions of criminal activity. As a result, agents intercepted numerous telephone calls which took place between GENARO MENDOZA RESENDIZ and other individuals named in case 1:08CR366. These calls revealed MENDOZA RESENDIZ' involvement in the illegal smuggling, transportation and distribution of multi-kilograms of cocaine hydrochloride and marijuana for the organization.

During the course of this investigation agents identified Guadalupe Ortiz Rios as a "cell head" of the poly-drug trafficking organization based in Rockingham County and Alamance County, North Carolina. As a result of court-authorized wire intercepts, Ortiz Rios was intercepted on numerous occasions speaking with a person he called "Freddie." "Freddie" was subsequently identified as GENARO MENDOZA RESENDIZ. Based on the contents of these telephone calls, MENDOZA RESENDIZ was identified as a distributor and courier of cocaine for the Ortiz Rios organization. MENDOZA RESENDIZ was positively identified after court-authorized

wire intercepts led to physical surveillances which are described below.

On July 23, 2008, a series of calls over Ortiz Rios's cellular telephone indicated MENDOZA RESENDIZ, and codefendants Victor Manuel Rios-Flores and Mayra Ortiz Rios, would be meeting to wire money to Mexico on behalf of Guadalupe Ortiz Rios. The money was sent in anticipation of a shipment of cocaine. During a telephone call on July 23, 2008, MENDOZA RESENDIZ asked Guadalupe Ortiz Rios if Victor Manuel Rios-Flores was coming or not. Guadalupe Ortiz Rios informed MENDOZA RESENDIZ that Victor Manuel Rios-Flores was coming, as well as Guadalupe Ortiz Rios's sister [Mayra Ortiz Rios]. Later that day, officers assigned to the investigation observed GENARO MENDOZA RESENDIZ arrive at a business in Eden, North Carolina operating a green Dodge Stratus which was registered to him. A short time later, surveillance units observed a Ford Expedition, registered to Mayra Ortiz Rios, arrive in the parking lot of the same business. Surveillance units observed Mayra Ortiz Rios driving the Expedition and Victor Manuel Rios-Flores in the passenger's seat. Surveillance units observed GENARO MENDOZA RESENDIZ hand Victor Manuel Rios-Flores United States currency. They next observed Victor Manuel

Rios-Flores and Mayra Ortiz Rios leave that location and go to another business where the money was wired to Mexico. Agents obtained copies of receipts of the wire transfers.

On August 28, 2008, agents and officers assigned to this investigation established surveillance on Guadalupe Ortiz Rios after intercepted conversations indicated he would be picking up three kilograms of cocaine hydrochloride from Pedro Pena Zuniga at 3004 Harrison Valley Trail, Elon, North Carolina and selling at least one of the kilograms to Kendon Torain. During the surveillance, agents and officers observed Guadalupe Ortiz Rios arrive at the residence operating a blue Jeep Liberty. Guadalupe Ortiz Rios was followed by Rios-Flores and GENARO MENDOZA RESENDIZ, a.k.a., "Freddie", who was driving a green Dodge Stratus. Pena Zuniga was observed arriving at the residence a short time later. Pena Zuniga was observed operating a white Ford Sport Trac. A few minutes later, surveillance units observed all three vehicles leaving the residence. Surveillance units followed the green Dodge Stratus and the white Ford Sport Trac as it drove in tandem towards Burlington, North Carolina. At approximately 3:28 p.m., surveillance units observed both vehicles turn into a parking lot in Burlington, North Carolina where the driver

of the Sport Trac was identified as Ortiz Rios and the individuals in the green Dodge Stratus were identified as Rios-Flores and MENDOZA RESENDIZ.

Both vehicles were observed as the drivers parked next to each other in the parking lot. Guadalupe Ortiz Rios got out of the driver's seat of the white Sport Trac and got into the back seat. MENDOZA RESENDIZ, who had been driving the Dodge Stratus, got into the driver's seat of the Sport Trac and Ortiz Rios, who had been the passenger in the Dodge Status, got into the front passenger's seat of the Sport Trac. All three individuals then left the parking lot in the Sport Trac.

Surveillance units followed the Sport Trac to a parking lot in Mebane, North Carolina where Guadalupe Ortiz Rios, MENDOZA RESENDIZ and Rios-Flores delivered one kilogram of cocaine to Torain. After the transaction occurred, Torain was stopped by a trooper from the North Carolina Highway Patrol. A subsequent search of the truck Torain was driving resulted in the seizure of approximately one kilogram of cocaine hydrochloride.

The kilogram of cocaine was ultimately examined by Matthew Mulligan, a qualified forensic chemist with the DEA Southeast Laboratory. The results of the tests showed the

net weight of the substance to be 999.3 grams, and that the substance was in fact cocaine hydrochloride.

On September 21, 2008, MENDOZA RESENDIZ called Guadalupe Ortiz Rios and asked Ortiz Rios, "Is there any good news?" Ortiz Rios responded, "It looked as if it was ready, we will see what happens." MENDOZA RESENDIZ asked, "Is it the blonde (referring to cocaine) ones?" Ortiz Rios replied, "It should be ready here."

On October 10, 2008, agents and officers executed a series of arrest warrants as a result of this investigation. GENARO MENDOZA RESENDIZ was located at 633 Riverview Drive, Eden, North Carolina. GENARO MENDOZA RESENDIZ attempted to flush cocaine down a toilet when officers arrived. A search warrant was subsequently obtained for the residence. The search resulted in the seizure of \$11,864.97 in United States currency, a loaded .380 caliber handgun, cocaine hydrochloride and drug ledgers.

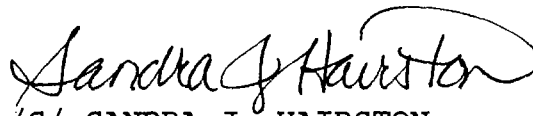
On October 15, 2008, Torain was interviewed by agents with the DEA. Torain identified a photograph of Guadalupe Ortiz Rios as the individual with whom he had negotiated the kilogram transaction on August 28, 2008, in Mebane, North Carolina. Torain identified GENARO MENDOZA RESENDIZ as being present in the vehicle with Guadalupe Ortiz Rios at

the time of the transaction. Torain also identified a photograph of Victor Manuel Rios-Flores as another passenger in the vehicle at the time of the kilogram transaction. According to Torain, Rio-Flores was the person who transferred the package of cocaine from the white Ford Sport Trac and into Torain's vehicle.

This the <sup>3<sup>rd</sup></sup> ~~13<sup>th</sup>~~ day of <sup>February</sup> ~~January~~, 2009.

Respectfully submitted,

ANNA MILLS WAGONER  
UNITED STATES ATTORNEY



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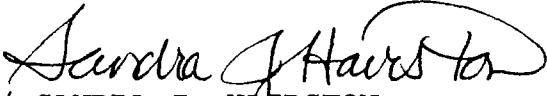
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CERTIFICATE OF SERVICE

I hereby certify that on ~~January 13~~ <sup>February 3</sup>, 2009, the  
foregoing was electronically filed with the Clerk of the  
Court using the CM/ECF system which will send notification  
of such filing to the following:

George E. Crump, III

  
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